

UNITED STATE DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Case Number: 05 – 11834 GAO

Comcast Of Southern New England, Inc.)
("Comcast"))
Plaintiff)

VS.)

Mary Ahearn)
Defendant)

DEFENDANT'S ANSWER
TO PLAINTIFF'S
COMPLAINT

1. Defendant is without sufficient knowledge or information to admit or deny allegations contained in paragraph one of the complaint. However Defendant says that she never caused injury to the Plaintiff.
2. Defendant denies that she ever used a statutorily prohibited device and intercepted a Plaintiff's signal illegally.
3. Defendant is without sufficient knowledge to either admit or deny the allegations contained in Paragraph 3 of the Complaint.
4. Defendant resides at 69 Kennedy Drive, North Chelmsford.
5. Defendant is without sufficient knowledge to either admit or deny the allegations contained in Paragraph 5 of the Complaint.
6. Defendant is without sufficient knowledge to either admit or deny the allegations contained in Paragraph 6 of the Complaint.
7. Defendant is without sufficient knowledge to either admit or deny the allegations contained in Paragraph 7 of the Complaint.
8. Defendant is without sufficient knowledge to either admit or deny the allegations contained in Paragraph 8 of the Complaint.
9. Defendant is without sufficient knowledge to either admit or deny the allegations contained in Paragraph 9 of the Complaint.

10. Defendant is without sufficient knowledge to either admit or deny the allegations contained in Paragraph 10 of the Complaint.
11. Defendant is without sufficient knowledge to either admit or deny the allegations contained in Paragraph 11 of the Complaint.
12. Defendant is without sufficient knowledge to either admit or deny the allegations contained in Paragraph 12 of the Complaint.
13. Defendant is without sufficient knowledge to either admit or deny the allegations contained in Paragraph 13 of the Complaint.
14. Defendant is without sufficient knowledge to either admit or deny the allegations contained in Paragraph 14 of the Complaint.
15. Defendant denies the allegation(s) in paragraph 15 of the complaint.
16. Defendant denies the allegation(s) in paragraph 16 of the complaint.
17. Defendant's answers are the same as previously set forth for the allegations in paragraphs 1 through 16.
18. Defendant denies the allegation(s) in paragraph 18 of the complaint.
19. Defendant denies the allegation(s) in paragraph 19 of the complaint.
20. Defendant is without sufficient knowledge to either admit or deny the allegations contained in Paragraph 20 of the Complaint.
21. Defendant denies the allegation(s) in paragraph 21 of the complaint.
22. Defendant is without sufficient knowledge to either admit or deny the allegations contained in Paragraph 22 of the Complaint. Defendant denies illegally taking the Plaintiff's signals.
23. Defendant denies the allegation(s) in paragraph 23 of the complaint.
24. Defendant's answers are the same as previously set forth for the allegations in paragraphs 1 through 23.
25. Defendant denies the allegation(s) in paragraph 25 of the complaint.
26. Defendant denies the allegation(s) in paragraph 26 of the complaint.
27. Defendant denies the allegation(s) in paragraph 27 of the complaint.

DEFENDANT'S AFFIRMATIVE DEFENCE

The installation of the new box and removal of the so called "descrambling device" on September 16, 2002 was occasioned by the Defendant's request to Comcast for access to HBO.

The work order for September 16, 2002, (attached hereto "A") shows the order for HBO under "work to be performed".

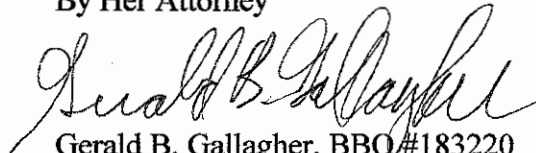
The Plaintiff's action was not brought in accord with the applicable statute of limitation, and was brought so late as to involve laches.

DEFENDANT'S COUNTCLAIM

The Defendant says that the Plaintiff had at hand, or within reach, sufficient data to know before beginning suit that the suit had no merit. The Plaintiff was negligent in commencing suit.

The plaintiff requests that the Honorable Court assess damages in terms of emotional distress, commercial time required of the Defendant to defend the case, and attorney fees required in defense of the case.

Mary Ahearn
By Her Attorney

A handwritten signature in cursive script, appearing to read "Gerald B. Gallagher".

Gerald B. Gallagher, BBO #183220
9 Main Street
P.O. Box 2085
Acton, MA 01720
Telephone: 978 263 8331

JOB NO.

127, 26.

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TECH	WORK ORDER	
	NUMBER	PRINT DATE
8825	01863155210008007	09/16/02

SERVICE NAME AND ADDRESS		VIP	SUB STATUS	MAP CODE	MGMT. AREA	SERV. AREA	SALES REP.	MISC.	SCHED. CAT.
KIRAN, MARY KENNEDY DR CHILSFORD MA 01863-1552				G136	GU		10362	7240	
		REPRINT	HEAD END	DWELLING TYPE			TYPE HOOK-UP		
			10	NB TEN C51-100 U			UNDERGROUND		

NOTES TO TECHNICIAN	DROP LOCATION	NUMBER OUTLETS
TO DTV HB, 1 BOX CONINST=REMOVE/SWING HORZ	UNKNOWN	0

WORK TO BE PERFORMED				CPE	CURRENT BALANCE
CODE	QTY	DISCOUNT	DESCRIPTION	CHARGE	OUTLET / SERIAL NUMBER / TYPE / STATUS / SERV CODE
1*	0-1*		DTV BOX/REM	5.25	A -CB59ACLXP -G -R
6	0-1*	AA	DIG BRNZ HBO		Q19EAD19 -VIDEO
7A	1-0*		ANALOG BOX		BA-\$\$\$-16-BD
8	1-0*		REMOTE		
23	0-1*	Z3	DTV UPGRADE		
24	1-1		BASIC	8.94	
25	1-1		EXPANDED	30.27	
			TEMP DISCNTS	15.95	

611122TBC728 ✓

COVER

55R-4

CYCLE CODE		DELO DAYS
04		000
NEXT STATEMENT BALANCE		
107.00		
DEPOSIT AMOUNT		
0.00		
PREVIOUS TROUBLE CALL INFORMATION		
DATE TECH #	RESOLUTION CODES	

TROUBLE CALL REASONS

WO RSN: CSSR SALE

TOTAL AMOUNT PAID

TAG NO. RG794

COMPLETION			TROUBLE CALL RESOLUTION CODES						SIGNAL LEVELS (*REQUIRED) / PROBLEM CHANNEL				
ECH #	START TIME	STOP TIME							3*	24	58*	75	117*
009													

5868	9:05	9:30
241		

TECHNICIAN COMMENTS

DIGITAL AND SWAP

I, the undersigned hereby confirm installation of service and I acknowledge receipt of the Subscriber Privacy Notice and read a copy of this agreement. And in consideration of the installation of service and the performance of service by the service technician, the customer agrees to the terms and conditions of the agreement on the reverse side.

Paul R. Brown